



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAKAMURA et al.

Atty. Ref.: 160-386

Serial No. 10/609,410

TC/A.U.: 2825

Filed: July 1, 2003

Examiner: R. Rocchegiani

For: GALLIUM NITRIDE BASED III-V GROUP COMPOUND
SEMICONDUCTOR DEVICE AND METHOD OF PRODUCING THE SAME

* * * * *

April 20, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider

information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date **OR** before the mailing date of a first Office Action on the merits **OR** before the mailing date of a first Office Action after the filing of a request for continued examination under § 1.114. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date **AND** after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. Attached is our Check No. in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

d. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

e. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. The following two documents were previously cited in an Information Disclosure Statement filed on July 1, 2003 in the above-identified case, and have not been cited on the attached PTO-1449 form: EP 0483688 and Ultraviolet and Violet Light-Emitting GaN Diodes....

5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.

6. A concise explanation of the relevance of the non-English language document(s) appears below:

7. The Examiner's attention is directed to co-pending U.S. Patent Application No. , filed , (copy attached) which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy

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as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

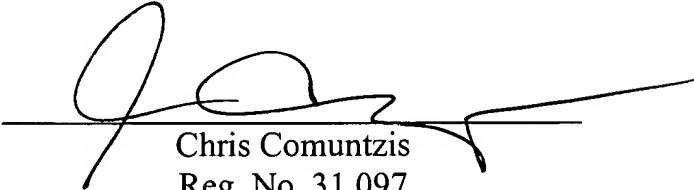
8. Copies of the documents were cited by or submitted to the Office in Application No. filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 160-386.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

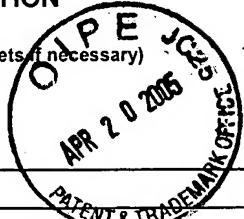
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Serial No.

**INFORMATION DISCLOSURE
CITATION**

(Use several sheets if necessary)



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160-386
Applicant

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July 1, 2003

TCIA.U.

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U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

TRANSLATION

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

European Search Report, Appln. EP 04012118 (March 14, 2005)

Patent Abstracts of Japan, Vol. 13, No. 155 (E0743), 14 April 1989 & JP 63-311777 A (20 December 1988), Abstract

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Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.